

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

JOSH LAMAR HAYNES

PLAINTIFF

v.

CASE NO: 1:12CV00119 BSM

**DAVID LUCAS and
MIKE SMITH**

DEFENDANTS

ORDER

The proposed findings and recommended disposition [Doc. No. 6] submitted by United States Magistrate Judge Jerome T. Kearney and the objections thereto have been reviewed. After careful consideration and a *de novo* review of the record, it is found that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff Josh Haynes's complaint [Doc. No. 2] is dismissed without prejudice for failure to state a claim upon which relief may be granted.
2. This dismissal is considered a "strike" within the meaning of the Prison Litigation Reform Act, 28 U.S.C. Section 1915(g).
3. It is certified, pursuant to 28 U.S.C. Section 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith.

Dated this 5th day of February 2013.


UNITED STATES DISTRICT JUDGE